

Old wine in new wineskins? The EU's Migration Partnership Framework

Gastautor

2017-12-14T13:30:23

by [NATASJA RESLOW](#)



In

response to the 'migration crisis' of 2015-2016, the European Commission launched the [Migration Partnership Framework](#) in 2016. This framework was heralded as a new way in which EU member states, the EU institutions, and non-EU countries can work together to manage migratory flows. But how new is this approach really? In order to answer this question, this blog post compares the content of the Partnership Framework and the [Mobility Partnerships](#) along three dimensions: the role of readmission and visa facilitation; the policy areas covered; and the conditionality applied. Furthermore, it explains the format and the (yet) unknown dimensions in order to analyse whether the Migration Partnership Framework are a case of 'old wine in new wineskins'.

Content of the Migration Partnership Framework

Firstly, the Partnerships Framework significantly departs from the Mobility Partnerships in terms of readmission and visa facilitation agreements. The [coupling of readmission and visa facilitation agreements has been a cornerstone of the Mobility Partnerships](#). However, the communication on the Partnership Framework makes no mention of visa facilitation at all, and indicates that formal readmission agreements are not necessarily a priority. Rather, the focus will be on achieving "fast and operational returns" and "specific and measurable increases in the number and rate of return and readmission".

Secondly, in terms of content the Partnership Framework is much broader than the Mobility Partnerships: the Mobility Partnerships mention a commitment by non-EU countries to "generally improve economic and social framework conditions". The communication on the Partnership Framework states that "all EU policies including education, research, climate change, energy, environment, agriculture, should in

principle be part of a package, bringing maximum leverage to the discussion”. There seems to be no limit to what can be included under the Partnership Framework.

Finally, both the Partnership Framework and the Mobility Partnerships link legal and irregular migration and apply conditionality to non-EU countries. The Mobility Partnerships “improve the management of legal movements of people between the EU and third countries ready to make significant efforts to fight illegal migration”, i.e. they are only available to non-EU countries that commit to cooperating with the EU’s migration management agenda. The Partnership Framework takes this one step further: “Positive and negative incentives should be integrated in the EU’s development policy... there must be consequences for those who do not cooperate on readmission and return”. This is a very explicit commitment to applying negative conditionality, and is reminiscent of the [failed 2002 Spanish-UK proposal to make development aid conditional on non-EU countries’ cooperation on migration](#). In this sense, the Partnership Framework may represent a shift in the normative rationale of EU external migration policy.

Format of the Migration Partnership Framework

There are many similarities in the format of the Partnership Framework and the Mobility Partnerships. Both are meant to be tailored to the non-EU country concerned, based on the willingness or commitments that the country is willing to undertake with regards to preventing irregular migration. Both highlight the division of competences between the EU and its member states and the need for coherent and coordinated action. In terms of geographical orientation, the Partnership Framework is much more specific than the Mobility Partnerships, which are intended for “third countries ready to make significant efforts to fight illegal migration”. By contrast, the Partnership Framework immediately identifies priority countries for cooperation, namely Jordan, Lebanon, Tunisia, Nigeria, Senegal, Mali, Niger, Ethiopia, Libya, Afghanistan, Iran, Morocco, Algeria, and Egypt – although these of course are not new partner countries for the EU’s external migration policy. Mali, for example, has hosted a [migration information centre since 2008](#). Through the so-called ‘compacts’, it becomes clear that the Partnership Framework is a legally non-binding instrument: the [compacts](#) are a political framework for cooperation on migration and a key component of the Partnership Framework. Equally, the Mobility Partnerships are based on [political declarations](#).

What don’t we know about the Partnership Framework?

There are two main aspects of the Partnership Framework which remain unclear: firstly, the relationship between the Partnership Framework and other EU instruments of migration cooperation; and secondly, how exactly the Partnership Framework will be evaluated and assessed.

The Partnership Framework is a new tool of EU migration cooperation, so it is important to understand how it is situated with respect to existing tools. The [progress reports on the Partnership Framework](#) give some hints in this regard, but do not definitively settle the status of the Partnership Framework vis-à-vis other

instruments. The first progress report mentions the [much-criticised 'Joint Way Forward'](#) with Afghanistan, implying that this instrument falls under the Partnership Framework. The progress report also states that “the work of the Budapest Process has fed into the Partnership Framework”, although it does not specify what ‘feed into’ exactly entails. Finally, it seems that actually all existing instruments of EU cooperation (not only related to migration) with a non-EU country fall under the Partnership Framework umbrella; for example with regards to Ethiopia the progress report mentions the EU-Ethiopia Strategic Engagement, which is broader than only migration.

The progress reports also seek to evaluate the functioning of the Partnership Framework, however without establishing a systematic approach for doing so. For example, with regard to Niger, the progress report highlights certain achievements: the establishment of a local coordination platform on migration; the arrest of 47 suspected smugglers; “several hundreds of irregular migrants have been returned to Agadez”; and efforts so far “may” have contributed to the noticeable decrease in the outgoing flows of migrants from Niger. Such an evaluation clearly lacks a baseline against which to assess progress, and difficulties in linking outcomes to the actual policy implemented. Without knowing the starting situation, it is impossible to know which impact a policy actually has. For other partner countries different aspects are mentioned, giving an ad hoc impression of the evaluation efforts. This will make it very difficult to reach general conclusions about the Partnership Framework, if its evaluation in different countries is assessed differently.

Conclusion

When compared to the Mobility Partnerships, the Partnership Framework is a case of ‘old wine in new wineskins’. In terms of format, geographical orientation, and legal nature, the two instruments are very similar. The objectives of the Partnership Framework are broader than the Mobility Partnerships, with a different emphasis on operational cooperation on readmission and negative conditionality. However, ultimately the aim is the same: to link cooperation on legal and irregular migration.

In practice, this signifies that – as the Partnership Framework is not so different from previous instruments of EU external migration policy – the shortcomings of those instruments can presumably also be assigned to the Partnership Framework. In its [memo on the Partnership Framework](#), the [European Association for the Defence of Human Rights](#) (AEDH) notes that “behind this terminological design... we find the same aims, the same methods, the same contents” as previous EU external migration policy. In particular, through the non-legally binding format, “the Commission accomplishes that the European Parliament will not be able to interfere with the content”. The [absence of the European Parliament in the decision-making process on the Mobility Partnerships](#) has also been noted. The Mobility Partnerships have been termed “insecurity partnerships” because they fail to guarantee migrants’ rights; in the same way, academics have argued that the [Partnership Framework does not contain sufficient safeguards to ensure migrants’ rights](#). By repeating and reusing past instruments of migration cooperation, the EU is failing to learn from past experiences.

Further reading: [*Report on the Migration Partnership Framework by the Migration Policy Institute Europe*](#)

Published under [CC BY NC ND 4.0](#).

